

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

STATE OF ALABAMA, et al.,

Plaintiffs,

v.

Case No.: 2:18-cv-00772-RDP

UNITED STATES DEPARTMENT  
OF COMMERCE, et al.,

Defendants,

DIANA MARTINEZ, et al.,

Defendant-Intervenors,

and

COUNTY OF SANTA CLARA,  
CALIFORNIA, et al.,

Defendant-Intervenors.

**MOVANTS' PROPOSED ANSWER AND DEFENSES TO PLAINTIFFS' COMPLAINT**

The State of New York; State of California; State of Colorado; State of Connecticut; District of Columbia; State of Illinois; Commonwealth of Massachusetts; State of Minnesota; State of Nevada; State of New Jersey; State of New Mexico; State of Oregon; State of Rhode Island; State of Vermont; Commonwealth of Virginia; State of Washington; Cameron County, Texas; Central Falls, Rhode Island; Chicago, Illinois; Hidalgo County, Texas; Monterey County, California; New York, New York; Philadelphia, Pennsylvania; Providence, Rhode Island; Seattle, Washington; and the United States Conference of Mayors (collectively, the “Proposed Defendant-Intervenors”) hereby submit their Answer and Defenses to Plaintiffs’ Complaint (Doc. # 1) as follows:

### **INTRODUCTION**

1. Deny the allegations of the first two sentences of paragraph 1 of the Complaint, and respectfully refer the Court to the Federal Register as the best statement of the referenced provisions.<sup>1</sup> Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the last sentence of paragraph 1.

2. Neither admit nor deny the allegations of paragraph 2 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced provisions of the United States Constitution and the referenced regulation as the best statement of their contents and meaning.

3. Deny the allegations of paragraph 3 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required and respectfully refer the Court to the referenced provisions of the U.S. Constitution and the referenced regulation as the best statement of their contents and meaning.

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<sup>1</sup> Throughout, where the Complaint refers to “illegal aliens,” the Proposed Defendant-Intervenors will use the term “undocumented immigrants.”

4. Neither admit nor deny the allegations of the first sentence of paragraph 4 of the Complaint as they are limited to characterizations of the instant action and legal conclusions to which no response is required. Admit that Plaintiffs seek the relief described in the second sentence of paragraph 4 of the Complaint but deny that that they are entitled to such relief, and neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced provisions of the U.S. Constitution and the referenced regulation as the best statement of their contents and meaning.

5. Admit that Plaintiffs seek the relief described in paragraph 5 of the Complaint but deny that they are entitled to such relief, and neither admit nor deny the allegations of paragraph 5 of the Complaint insofar as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statutes and the referenced regulation as the best statement of their contents and meaning.

#### **JURISDICTION AND VENUE**

6. Neither admit nor deny the allegations of paragraph 6 of the Complaint insofar as they consist of legal conclusions to which no response is required.

7. Admit that Plaintiffs seek the relief described in paragraph 7 of the Complaint but deny that they are entitled to such relief, and neither admit nor deny the allegations of paragraph 7 of the Complaint insofar as they consist of legal conclusions to which no response is required.

8. Neither admit nor deny the allegations of the first sentence of paragraph 8 of the Complaint as they consist of legal conclusions to which no response is required. Admit the allegations of the second sentence of paragraph 8 of the Complaint. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the third sentence of paragraph 8 of the Complaint.

9. Admit that Plaintiffs seek the relief described in paragraph 9 of the Complaint but deny that they are entitled to such relief, and neither admit nor deny the allegations of paragraph 9 of the Complaint insofar as they consist of legal conclusions to which no response is required.

### **THE PARTIES**

1. Admit the allegations in the first sentence of the second paragraph 1 of the Complaint. Neither admit nor deny the remaining allegations of the second paragraph 1 of the Complaint as they consist of legal conclusions to which no response is required.<sup>2</sup>

2. Admit the allegations of the first two sentences of the second paragraph 2 of the Complaint, except deny knowledge or information sufficient to form a belief as to Representative Brooks' voter registration. Deny the allegations of the third sentence of the second paragraph 2 of the Complaint.

3. Admit the allegations of the second paragraph 3 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required.

4. Admit the allegations of the second paragraph 4 of the Complaint.

5. Admit the allegations of the second paragraph 5 of the Complaint.

6. Admit the allegations of the second paragraph 6 of the Complaint.

### **ALLEGATIONS**

7. Neither admit nor deny the allegations of the second paragraph 7 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced provisions of the U.S. Constitution as the best statement of their contents and meaning.

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<sup>2</sup> As the numbering of the paragraphs of the Complaint restarts at 1 at the beginning of the section headed "The Parties," the paragraphs of this Answer are numbered to correspond.

8. Neither admit nor deny the allegations of the second paragraph 8 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced provisions of the U.S. Constitution as the best statement of their contents and meaning.

9. Neither admit nor deny the allegations of the second paragraph 9 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

10. Neither admit nor deny the allegations of paragraph 10 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

11. Neither admit nor deny the allegations of paragraph 11 of the Complaint as they consist of legal conclusions to which no response is required.

12. Deny the allegations of paragraph 12 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

13. Neither admit nor deny the allegations of paragraph 13 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

14. Neither admit nor deny the allegations of paragraph 14 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

15. Neither admit nor deny the allegations of paragraph 15 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

16. Admit the allegations of paragraph 16 of the Complaint.

17. Deny the allegations of the first sentence of paragraph 17 of the Complaint. Neither admit nor deny the allegations of the second sentence of paragraph 17 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

18. Neither admit nor deny the allegations of paragraph 18 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

19. Admit the allegations of paragraph 19 of the Complaint.

20. Neither admit nor deny the allegations of paragraph 20 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute and regulation as the best statement of their contents and meaning.

21. Neither admit nor deny the allegations of paragraph 21 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

22. Neither admit nor deny the allegations of paragraph 22 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

23. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 23 of the Complaint.

24. Admit the allegations of paragraph 24 of the Complaint except affirmatively aver that Defendant Ross's memorandum announcing the decision to ask a question regarding citizenship status on the 2020 Census was dated March 26, 2018.

25. Admit the allegations of paragraph 25 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

26. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 26 of the Complaint.

27. Neither admit nor deny the allegations of Paragraph 27 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

28. Neither admit nor deny the allegations of Paragraph 28 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

29. Deny the allegations of the first sentence of paragraph 29 of the Complaint as it is vaguely and ambiguously stated. Admit the remaining allegations of paragraph 29 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

30. Deny the allegations of the first and third sentences of paragraph 30 of the Complaint as they are vaguely and ambiguously stated. Admit the remaining allegations of paragraph 30 of the Complaint insofar as they are consistent with the documents cited, otherwise

deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

31. Admit the allegations of paragraph 31 of the Complaint.

32. Admit the allegations of the first two sentences of paragraph 32 of the Complaint.

Neither admit nor deny the remaining allegations of paragraph 32 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

33. Deny the allegations of the first sentence of paragraph 33 of the Complaint as they are vaguely and ambiguously stated, but affirmatively aver that undocumented immigrants are not uniformly distributed within the United States. Admit the allegations of the second sentence of paragraph 33 of the Complaint.

34. Admit the allegations of paragraph 34 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

35. Admit the allegations of paragraph 35 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

36. Admit the allegations of paragraph 36 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

37. Deny the allegations of paragraph 37 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required.



38. Neither admit nor deny the allegations of paragraph 38 of the Complaint insofar as they consist of legal conclusions to which no response is required, except admit that the number of electors to which a state is entitled in the Electoral College is partially determined by the size of its congressional delegation.

39. Admit the allegations of paragraph 39 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

40. Admit the allegations of paragraph 40 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

41. Deny the allegations of paragraph 41 of the Complaint.

42. Deny the allegations of paragraph 42 of the Complaint and respectfully refer the Court to the documents cited as the best statement of their contents and meaning.

43. Admit the allegations of the first sentence of paragraph 43 of the Complaint. Deny the remaining allegations of paragraph 43 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required.

44. Deny the allegations of paragraph 44 of the Complaint.

45. Admit the allegations of paragraph 45 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

46. Deny the allegations of paragraph 46 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required.

47. Deny the allegations of paragraph 47 of the Complaint and respectfully refer the Court to the cited documents as the best statement of their contents and meaning.

48. Deny the allegations of paragraph 48 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions to which no response is required.

49. Deny the allegations of paragraph 49 of the Complaint.

50. Deny the allegations of paragraph 50 of the Complaint, except deny knowledge or information sufficient to form a belief as to whether Alabama will lose a seat in the House of Representatives if all persons resident in the United States are enumerated for apportionment purposes as required by the United States Constitution.

51. Deny the allegations of paragraph 51 of the Complaint as they are vaguely and ambiguously stated, and deny knowledge or information sufficient to form a belief as to the accuracy of the proposed method.

52. Admit the allegations of paragraph 52 of the Complaint and respectfully refer the Court to the case cited as the best statement of its contents and meaning.

53. Admit the allegations of paragraph 53 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

54. Neither admit nor deny the allegations of Paragraph 54 of the Complaint as they consist of legal conclusions to which no response is required, and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

55. Admit the allegations of Paragraph 55 of the Complaint.

56. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 56 of the Complaint.

57. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 57 of the Complaint.

58. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 58 of the Complaint.

59. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 59 of the Complaint.

60. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of paragraph 60 of the Complaint. Deny the allegations of the second sentence of paragraph 60 of the Complaint.

61. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 61 of the Complaint.

62. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 62 of the Complaint.

63. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 63 of the Complaint.

64. Deny the allegations of paragraph 64 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

65. Deny the allegations of paragraph 65 of the Complaint and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

66. Deny the allegations of paragraph 66 of the Complaint and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

67. Deny the allegations of paragraph 67 of the Complaint, deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

68. Deny the allegations of paragraph 68 of the Complaint and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

69. Deny the allegations of paragraph 69 of the Complaint as they are vaguely and ambiguously stated, and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

70. Deny the allegations of paragraph 70 of the Complaint as they are vaguely and ambiguously stated, and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

71. Deny the allegations of paragraph 71 of the Complaint as they are vaguely and ambiguously stated, and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

72. Deny the allegations of paragraph 72 of the Complaint as they are vaguely and ambiguously stated, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response, and deny knowledge or information sufficient to form a belief as to the source or reliability of the population estimate therein.

73. Deny the allegations of paragraph 73 of the Complaint.

74. Admit the allegations of the first two sentences of paragraph 74 of the Complaint. Deny the allegations of the third sentence of paragraph 74 of the Complaint.

75. Admit the allegations of paragraph 75 of the Complaint and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

76. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 76 of the Complaint.

77. Admit the allegations of paragraph 77 of the Complaint and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

78. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 78 of the Complaint.

79. Admit the allegations of paragraph 79 of the Complaint and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

80. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 80 of the Complaint.

81. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 81 of the Complaint.

82. Admit the allegations of paragraph 82 of the Complaint.

83. Deny the allegations of paragraph 83 of the Complaint as they are vaguely and ambiguously stated, and deny knowledge or information sufficient to form a belief as to the accuracy of those allegations as a representation of the referenced estimate.

84. Admit the allegations of paragraph 84 of the Complaint.

85. Deny the allegations of paragraph 85 of the Complaint and deny knowledge or information sufficient to form a belief as to the details of how non-governmental organizations will distribute funds in the future.

86. Deny the allegations of paragraph 86 of the Complaint and deny knowledge or information sufficient to form a belief as to the details of how non-governmental organizations will distribute funds in the future.

87. Deny the allegations of paragraph 87 of the Complaint except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response, and respectfully refer the Court to the referenced provisions of the U.S. Constitution, statute, and regulation as the best statement of their contents and meaning.

88. Neither admit nor deny the allegations of paragraph 88 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

89. Neither admit nor deny the allegations of paragraph 89 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

90. Neither admit nor deny the allegations of paragraph 90 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

91. Neither admit nor deny the allegations of paragraph 91 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the case cited as the best statement of its contents and meaning.

92. Deny the allegations of paragraph 92 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

93. Deny the allegations of paragraph 93 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response, and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

94. Deny the allegations of paragraph 94 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response, and

respectfully refer the Court to the referenced provisions of the U.S. Constitution and the cited case as the best statement of their contents and meaning.

95. Deny the allegations of paragraph 95 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

96. Deny the allegations of paragraph 96 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response, and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

97. Deny the allegations of paragraph 97 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

98. Deny the allegations of paragraph 98 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

99. Deny the allegations of paragraph 99 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

100. Neither admit nor deny the allegations of paragraph 100 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

101. Neither admit nor deny the allegations of paragraph 101 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

102. Deny the allegations of paragraph 102 of the Complaint as they are vaguely and ambiguously stated.

103. Admit the allegations of paragraph 103 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning.

104. Deny the allegations of paragraph 104 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

105. Deny the allegations of paragraph 105 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

106. Deny the allegations of paragraph 106 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

107. Neither admit nor deny the allegations of paragraph 107 of the Complaint as they consist of legal conclusions requiring no response.

108. Deny the allegations of paragraph 108 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

109. Deny the allegations of paragraph 109 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.



110. Deny the allegations of paragraph 110 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

111. Neither admit nor deny the allegations of paragraph 111 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the cited case as the best statement of its contents and meaning.

112. Neither admit nor deny the allegations of paragraph 112 of the Complaint as it consists of legal conclusions requiring no response and respectfully refer the Court to the cited case as the best statement of its contents and meaning.

113. Deny the allegations of paragraph 113 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

114. Deny the allegations of paragraph 114 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

115. Deny the allegations of paragraph 115 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response

116. Deny the allegations of paragraph 116 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response

117. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 117 of the Complaint.

118. Deny knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 118 of the Complaint.

119. Deny the allegations of paragraph 119 of the Complaint.

120. Deny the allegations of paragraph 120 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response.

121. Deny the allegations of paragraph 121 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

122. Deny the allegations of paragraph 122 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

123. Deny the allegations of paragraph 123 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

124. Neither admit nor deny the allegations of paragraph 124 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

125. Deny the allegations of paragraph 125 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the cited case and the referenced regulation as the best statement of their contents and meaning.

126. Deny the allegations of paragraph 126 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and

respectfully refer the Court to the cited case and the referenced regulation as the best statement of their contents and meaning.

127. Deny the allegations of paragraph 127 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the cited case and the referenced regulation as the best statement of their contents and meaning.

128. Deny the allegations of paragraph 128 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the cited case as the best statement of its contents and meaning.

129. Admit the allegations of the first four sentences of paragraph 129 of the Complaint insofar as they are consistent with the documents cited, otherwise deny those allegations, and respectfully refer the Court to those documents as the best statement of their contents and meaning. Deny the allegations of the fifth and sixth sentences of paragraph 129 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the cited case and to the referenced regulation as the best statement of their contents and meaning.

130. Deny the allegations of paragraph 130 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

131. Deny the allegations of paragraph 131 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

132. Deny the allegations of paragraph 132 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute and regulation as the best statement of their contents and meaning.

133. Neither admit nor deny the allegations of paragraph 133 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

134. Neither admit nor deny the allegations of paragraph 134 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

135. Neither admit nor deny the allegations of paragraph 135 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the cited case as the best statement of its contents and meaning.

136. Deny the allegations of paragraph 136 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute and provisions of the U.S. Constitution as the best statement of their contents and meaning.

137. Deny the allegations of paragraph 137 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

138. Deny the allegations of paragraph 138 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and

respectfully refer the Court to the referenced statute and regulation as the best statement of their contents and meaning.

139. Deny the allegations of paragraph 139 of the Complaint.

### **FIRST CAUSE OF ACTION**

#### **Violation of the Fourteenth Amendment (Congressional Apportionment)**

140. Proposed Defendant-Intervenors repeat and reassert their responses to Paragraphs 1–9 and 1–139 as though fully set forth herein.

141. Neither admit nor deny the allegations of paragraph 141 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

142. Deny the allegations of paragraph 142 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

### **SECOND CAUSE OF ACTION**

#### **Violation of the Fourteenth Amendment, Article I, § 2, and Article II, § 1 (Electoral College Apportionment)**

143. Proposed Defendant-Intervenors repeat and reassert their responses to Paragraphs 1–9 and 1–142 as though fully set forth herein.

144. Neither admit nor deny the allegations of paragraph 144 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

145. Deny the allegations of paragraph 145 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and

respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

### **THIRD CAUSE OF ACTION**

#### **Violation of Article I, § 2 (Actual Enumeration)**

146. Proposed Defendant-Intervenors repeat and reassert their responses to Paragraphs 1–9 and 1–145 as though fully set forth herein.

147. Neither admit nor deny the allegations of paragraph 147 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution as the best statement of its contents and meaning.

148. Deny the allegations of paragraph 148 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced provision of the U.S. Constitution and regulation as the best statement of their contents and meaning.

### **FOURTH CAUSE OF ACTION**

#### **Violation of the APA (Arbitrary and Capricious)**

149. Proposed Defendant-Intervenors repeat and reassert their responses to Paragraphs 1–9 and 1–148 as though fully set forth herein.

150. Neither admit nor deny the allegations of paragraph 150 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

151. Deny the allegations of paragraph 151 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

152. Deny the allegations of paragraph 152 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute and regulation as the best statement of their contents and meaning.

## **FIFTH CAUSE OF ACTION**

### **Violation of the APA (Contrary to Law)**

153. Proposed Defendant-Intervenors repeat and reassert their responses to Paragraphs 1–9 and 1–152 as though fully set forth herein.

154. Neither admit nor deny the allegations of paragraph 154 of the Complaint as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statute as the best statement of its contents and meaning.

155. Deny the allegations of paragraph 155 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statutes as the best statement of their contents and meaning.

156. Deny the allegations of paragraph 156 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced regulation as the best statement of its contents and meaning.

157. Deny the allegations of paragraph 157 of the Complaint, except neither admit nor deny those allegations insofar as they consist of legal conclusions requiring no response and respectfully refer the Court to the referenced statutes and regulation as the best statement of their contents and meaning.

### **AFFIRMATIVE DEFENSES**

158. Proposed Defendant-Intervenors assert the following affirmative defenses, which apply to each and every cause of action asserted in the Complaint to which such defense may be applicable. By virtue of alleging these further defenses, Proposed Defendant-Intervenors do not assume any burden of proof, persuasion, or production not otherwise legally assigned to them.

159. Except as otherwise specifically stated above, Proposed Defendant-Intervenors deny each and every allegation contained in the Complaint.

160. Plaintiffs are not entitled to any relief as to any of the Counts set forth in the Complaint.

161. Plaintiffs' Complaint fails in whole or in part to state a claim upon which relief can be granted.

162. This Court lacks subject matter jurisdiction over Plaintiffs' claims because Plaintiffs cannot demonstrate injury-in-fact, traceability, or redressability as necessary to assert standing.

163. Plaintiffs' claims are barred in whole or in part by the doctrine of laches.

164. Plaintiffs' claims are waived for failure to present them to the Commerce Department or Census Bureau during public comment on the proposed Residence Rule.

### **RESERVATION OF DEFENSES**

165. Proposed Defendant-Intervenors reserve the right to amend this Answer and to assert additional defenses or to supplement, alter, or edit this Answer, or to assert any counterclaims.

**WHEREFORE**, Proposed Defendant-Intervenors pray for judgment as follows:

1. That Plaintiffs' claims be dismissed with prejudice in their entirety;
2. That judgment be entered in favor of Proposed Defendant-Intervenors;



3. For such other and further relief as the Court deems just and proper.

DATED: August 12, 2019

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